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# THE HOUSE: 1987

## A SUMMARY OF LEGISLATIVE ACTIONS

*From the Office of*

*SPEAKER GEORGE KEVERIAN*

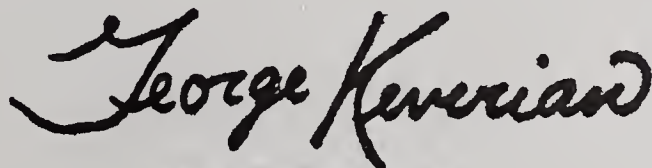
*Massachusetts House of Representatives*



## INTRODUCTION

The meaningful accomplishments of the 1987 Legislative session can be a source of pride for each member of the House of Representatives. The actions taken will have a significant and lasting impact on the quality of life of every citizen. Major new laws were passed that will provide new low and moderate income housing, help to clean up hazardous waste sites, improve the state's financial rating, provide new and renovated library facilities, preserve and beautify open space, reorganize the judicial conduct hearing process, improve mental health services and facilities, and recognize the special efforts of the teaching profession.

The achievements of the session were the results of the Legislature's hard work, dedication and its willingness to deal with the difficult issues that face our society. My gratitude is extended to my colleagues in the House of Representatives for their cooperation and assistance. I am confident that, working together, we will continue to meet the challenge and the responsibilities of the 80's.

A handwritten signature in black ink, reading "George Keverian". The signature is written in a cursive, flowing style with a large initial "G".

GEORGE KEVERIAN  
Speaker



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## INTRODUCTION

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# LEGISLATIVE SESSION STATISTICS

## TOTAL BILLS

House No.	<u>9,886</u>
Senate No.	<u>2,189</u>

## TOTAL CHAPTERS

Acts	<u>773</u>
Resolves	<u>6</u>

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## ROLL CALL VOTES

A total of 636 roll calls were ordered, in the House of Representatives, of which 54 were quorum roll calls.

MAJOR LEGISLATIVE ACHIEVEMENTSANNUAL STATE BUDGET - (Chapter 199)

\$10.9 Billion total

**ECONOMIC SUPPORT & HOUSING**

\$38 M for a 7% increase in AFDC and GR benefits

\$25 M for a \$25 per month rent supplement for AFDC & GR recipients

\$10 M to increase child support enforcement

\$6.2 M to expand Employment & Training Programs

\$3 M for 860 new day care slots for working families and teen parents

\$7 M for new homeless shelters

**EDUCATION**

\$25.8 M Equal Educational Grants to schools

\$7.5 M for new & improved school buildings

\$1.6 M Adult Literacy

\$3.3 M Arts & Humanities Grants

**FAMILIES**

\$1 M Teen Pregnancy Prevention

\$5.8 M Rate Increases, included clothes allowance for foster and adoptive parents

\$4.8 M to expand Medicaid eligibility for disabled children living at home - keeps child out of an institution

**ELDERLY**

\$500,000 Additional Respite Care

\$340,000 20 additional long term care beds at the Soldiers Home

**HEALTH CARE**

\$4.1 M to expand AIDS education

\$22 M improve services to the chronically ill

**ENVIRONMENT**

\$800,000 to expand solid waste management capacity

\$6.5 M to support ongoing environmental progress

\$490,000 for new air & water pollution control programs

**CRIMINAL JUSTICE & PUBLIC SAFETY**

\$23.3 M to increase prison capacity

\$13.7 M to construct a new Suffolk County Jail

**LOCAL AID**

\$217 M in new direct aid to cities & towns

\$147.6 M 40% of the growth taxes returned to cities and towns

\$60 M General Revenue Sharing

**MENTAL HEALTH FACILITIES CAPITAL OUTLAY BUDGET - (Chapter 167)**

Provides \$340 million to improve and expand the state's mental hospitals, community mental health centers, and housing programs for people with chronic mental illness.

**INCLUDES:**

Hospitals - \$207 million

- \$116 million for renovations of in patient facilities

- \$29 million for developing Master Plans for seven state hospitals

- \$62 million for Worcester State Hospital

Housing - \$83 million

- \$32 million for development

- \$15 million for renovation and new construction

- \$20 million for congregate housing in Boston

- \$20 million for congregate housing in Metro Boston

Community Mental Health Centers - \$49 million

- \$46 million for acute care facilities

- \$3.2 million for safety repairs



**PROVIDING LOW & MODERATE INCOME HOUSING - (Chapter 226)**

A \$404.6 million bond authorization is provided by this law. It is the largest, most innovative and comprehensive housing law ever adopted by the state, and combined with two previously approved laws provides a five year total of \$1 Billion.

Chapter 226 calls for the construction and renovation of approximately 8,000 rental and ownership units for low and moderate income households.

**OTHER PROGRAMS FUNDED INCLUDE:**

\$189 M to build new rental units for low income families, the elderly, and citizens with special needs

\$95 M for renovating state assisted public housing

\$50 M for renovating existing federally assisted public housing

\$30 M for a New Housing Innovations Fund

\$15 M for a Home Ownership Fund

The new Housing Innovations Fund provides grants and loans to community development corporations, housing authorities, etc... to develop alternate forms of housing such as transitional housing, battered women's shelters, mutual housing and congregate housing for veterans. While the Home Ownership Opportunity Program will provide assistance for an additional 2,000 units for first-time home buyers.

**PROVIDING FOR AN ENVIRONMENTAL ENHANCEMENT & PROTECTION PROGRAM - (Chapter 564)**

This law provides in excess of \$500 million for the largest open space program in the history of the state.

## **SPECIFIC ALLOCATIONS INCLUDE:**

- \$55 M for municipal recreation and conservation programs
- \$30 M for watershed preservation
- \$ 8 M for dredging projects
- \$40 M for coastal acquisition projects
- \$28.5 M for river and stream projects
- \$35 M for purchasing agricultural restrictions
- \$48 M for M.D.C. river basin projects
- \$15 M to purchase land that protects aquifers
- \$38 M for the Heritage State Park System

## **MANAGEMENT OF SOLID WASTE & POLLUTION ABATEMENT - (Chapter 584)**

This critically important law permits the state to analyze over 500 land-fill sites, clean-up contaminated water supplies and assist municipalities expand recycling programs.

The law funds the following types of programs:

- \$100 M to uncover and clean-up polluted landfill sites
- \$ 25 M for five regional recycling centers
- \$ 7 M for municipally sponsored composting programs
- \$ 3 M for agricultural composting

Finally, a significant provision changes the Municipal Finance Law.

This change will help make solid waste management profitable.

## **IMPROVING PUBLIC LIBRARIES - (Chapter 478)**

Establishes a \$35 million grant program to assist municipalities construct or renovate local library facilities. It further provides \$10 million to create innovative programs, \$5 million for libraries with model elderly or handicapped programs, \$3 million for communities of limited financial resources, \$1.5 million for facilities used by non-residents, and \$600,000 for cities and towns with large non-english speaking populations.

**PROVIDING FUNDING FOR THE DISCOVERY AND CLEAN-UP OF HAZARDOUS WASTE SITES IN THE COMMONWEALTH** - (Chapter 304)

This new law expands the state's commitment to identifying and then cleaning up hazardous waste sites that have been found throughout the state. Under the law \$81 M is provided for this important task.

**FINANCIAL BREAKDOWN:**

\$60 M to replenish the state's Super Fund

\$21 M DEQE authorized to hire 400 new employees to find and then develop appropriate clean-up programs of the hazardous waste sites

Super Fund - Monies in this account are used to clean up toxic and hazardous waste sites when the party responsible for disposing of the waste cannot be identified or found. With this \$60 M the state has committed a total of \$85 M for this clean-up effort.

DEQE Staff - The Department is authorized to hire 400 new employees to help find and then develop appropriate clean-up programs of the hazardous and toxic waste sites. This \$21 M amount is not tax revenue but are funds received as a result of a change in the state bank laws involving thrift institutions.

**REVISING THE PROCEDURES FOR THE COMMISSION ON JUDICIAL CONDUCT** - (Chapter 656)

This landmark legislation opens up the process of judicial scrutiny in matters involving discipline of judges. The major part of this act provides that complaints may be written or oral and that, on a finding of sufficient cause, a formal hearing is to be held and the hearing will be open to the public.

**MANAGEMENT OF LOW-LEVEL RADIOACTIVE WASTE** - (Chapter 549)

This far reaching law creates a "cradle to grave" system for the handling and disposal of low-level radioactive waste. It establishes a Waste Management



Board to begin managing and regulating the waste. It also creates a siting process requiring stiff environmental criteria and giving the selected community both compensation and a role in setting the conditions for development. Under federal law the state is required to have a waste disposal site by 1993, or lose the right to ship the waste out of state.

#### TEACHERS - EDUCATIONAL ACHIEVEMENT - (Chapter 727)

The purpose of this law is to enhance the teaching profession and recognize educational achievement.

Fifteen million dollars was appropriated for the implementation of this legislation whose mandates include:

- the establishment of a "Carnegie Schools" program;
- providing grants to school districts to increase minimum teacher salaries to \$20,000;
- increasing participation in Horace Mann and Lucretia Crocker grant programs;
- recognizing and rewarding educational success and improvement with cash awards to individual schools and districts;
- increasing school improvement council funds from \$10 to \$15 per student;
- targeting some EEO monies to most-at-risk schools to identify and counteract factors affecting low student achievement; and,
- establishing a grant program for a network of "Professional Development Schools" -- collaboratives between schools and colleges for teacher training.

#### SCHOOL BUILDING ASSISTANCE - (Chapter 746)

The School Building Assistance Program, initiated in 1948 and regularly extended up to the present, is implemented by the Department of Education. The program provides state reimbursement funds for cities, town and regional school

districts who construct school facilities or renovate existing facilities.

The major aspects of the law include:

- A retroactive increase in the FY'88 authorization level, which acts to regulate the quantity of new projects approved. This overwhelming increase, from 10 million up to 21 million, is in response to the dramatic increase in demand for construction and major renovation of schools throughout the Commonwealth. The increase allows the Department of Education to approximately double the number of new projects that may be approved and funded with state assistance in FY'88.
- An expansion of the percentage range within which cities, towns and regional school districts may be reimbursed for the cost of approved projects.
- A seven year extension of the program until June 30, 1995. The city and town reimbursement percentages appearing in the law are effective until June 30, 1990.
- A new funding mechanism to assist cities, towns and regional school districts with approved projects who may have financial difficulty issuing bonds to cover the entire cost of the project.
- A provision which ensures that state assistance under the program is conditioned on the assisted school facility being used as a schoolhouse for the duration of the state's financial obligation on the project.

#### VOCATIONAL EDUCATION - (Chapter 731)

This law adds several new funding sources and programs to the state's vocational education system. The act also makes numerous technical changes to update Chapter 74 G.L.

The new funding sources and programs include:

- (1) establishing a minimum 35 percent floor for reimbursing school districts for the cost of operating voc-ed programs.
- (2) establishes a competitively based equipment modernization grant program for use in programs in high occupational demand. Fifteen million dollars is established for the program, however, grants may not be awarded until after the completion of a study by the Department of Education.

- (3) establishes a vocational-technical learning and teaching institute to provide in-service training for supervisory and instructional personnel, perform research and organize workshops and conferences for the purpose of improving vocational-technical education.
- (4) establishes a technology scholar advisory council, appointed by the governor, which shall oversee a new fund established to award grants of up to \$1,000 to high school seniors enrolled in voc-ed programs who plan to attend a higher-education institution in the state. The state has contributed \$25,000 to the fund, which will also seek corporate contributions.

#### **TRANSPORTING STUDENTS TO DAY CARE FACILITIES** -(Chapter 767)

This local option legislation amends the law relative to state reimbursement for pupil transportation costs. Under this act school districts, including regional school districts, which opt to provide transportation for students between the student's school and a day care facility will be reimbursed for this additional cost, if any, provided the day care facility is at least 1.5 miles from the school of attendance. Under the prior law, state reimbursement was available only for transporting students between school and their home.

#### **PUBLIC EMPLOYEE PENSION REFORM** -(Chapter 697)

This law creates a mechanism to fund the nearly \$10 billion unfunded pension liability faced by the state, and the \$6 to \$7 billion pension debt shared by the municipal and county systems. It also updates and revises numerous aspects of the retirement and insurance benefits available to public employees.

In addition, the new law changes the disability retirement laws governing public employees. It encourages the rehabilitation and re-employment of disabled workers, and creating fitness and wellness standards to help reduce the incidence of disabilities.



**OTHER MAJOR PROVISIONS INCLUDE:**

- improves pension benefits by removing the \$30,000 CAP on which new employees' pension benefits are figured;
- provides federal tax deferral of the employee pension contributions

The Act will also require newly-hired public safety personnel (who under current law enjoy a presumption of job-relatedness for heart and lung disabilities) to be non-smokers.

**REGULATING THE CONDUCT OF HORSE RACING - (Chapter 680)**

Chapter 680 enables Suffolk Downs to continue its operations. This preserves the livelihood of some 1500 families. The law decreases the state's share of revenues at horse racing tracks but will allow Massachusetts to retain a share that would have been lost if Suffolk Downs had been closed. An important provision of the law is the creation of a state racing authority to regulate the horse racing industry.

## SIGNIFICANT NEW LAWS

### BANKING

#### CHAPTER 569

##### INTERSTATE BANKING

Restates the intent of the regional interstate banking act ... to allow Massachusetts Banks to branch into and to merge with and purchase banking institutions in Connecticut, New Hampshire, Maine, Vermont and Rhode Island only and to grant the same authority, on a reciprocal basis, to such institutions in those states with respect to Massachusetts. A new provision requires any out-of-state bank holding company which acquires ownership or control of any subsidiary bank located outside the N.E. states to immediately divest itself of its direct or indirect ownership or control of any Massachusetts banking institution which it has acquired...

### BUSINESS

#### CHAPTER 75

##### INDUSTRIAL ESPIONAGE

For the purpose of the "Larceny Statute", expands the definition of "Trade Secret", to include any "intangible" information.

#### CHAPTER 272

##### REGULATING HOSTILE TAKEOVERS

This law provided added protection to a corporation which is the object of a control share acquisition (hostile takeover). The primary impact of the law is to increase from 20 business days to 50 calendar days the time disinterested shareholders have to vote on a control share acquisition in order to determine whether or not the acquirer may gain controlling voting rights with the share the acquirer has purchased.

#### CHAPTER 611

##### REQUIRING THE STATE TO PAY INTEREST ON UNPAID BILLS

Authorized the comptroller to establish regulations requiring prompt payment of bills by the state. Further provides an interest penalty be paid by any agency that fails to pay its bills on time.

## **CHAPTER 691**

### **WORKERS' COMPENSATION ACT**

Addresses problems related to the compensation reform act of 1985. Provides temporary staff to reduce case backload; also funds additional permanent staff, makes conciliation a more effective tool. In addition, it gives the Commissioner of the Department of Industrial Accidents the power to issue a work stop order if an employer is in violation of Chapter 152 and does not provide insurance for his employees.

## **CHAPTER 738**

### **THE SMALL BUSINESS INCUBATOR PROGRAM**

Establishes a Small Business Incubator Program to encourage the growth of start-up businesses in depressed areas of the state.

The program is administered by the Government Land Bank and is set up to create up to six regional small business incubator projects.

## **CHILDREN/YOUTH**

### **CHAPTER 193**

#### **INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE**

Allows adopted special needs children to continue to receive Medicaid when moved to a state which is part of an interstate compact.

### **CHAPTER 313**

#### **REGULATING STREET TRADES FOR CHILDREN**

Allows children nine years of age older to deliver newspapers provided the child has his parent's or guardian's permission. Any violator of this act would be subject to a fine of not less than \$250 to more than \$500.

### **CHAPTER 340**

#### **ADVERTISING FOR CHILDREN SERVICES**

Prohibits day care centers not licensed by the Office for Children from advertising.

### **CHAPTER 398**

#### **CHILD CUSTODY AND ADOPTION CASES**

In any court proceeding, there is a patient-psychotherapist privilege, with certain exceptions. This act states that if a judge determines a psychotherapist has evidence relative to the ability of the patient to provide a suitable home in an adoption case, the evidence shall be disclosed if it is deemed that the child's welfare outweighs the privacy of the patient.



**CHAPTER 439****CHILD ABUSE REPORTING REQUIREMENTS**

This law requires school committees to inform teachers, administrators and other professional staff of their duties under the child abuse reporting requirements established in Chapter 119.

**CHAPTER 489****THE STATUTE OF LIMITATIONS FOR PROSECUTING CRIMES INVOLVING CHILDREN**

This law states that the ten year statute of limitations for certain crimes against children (i.e. rape, sexual abuse) shall not begin to toll until the child has reached the age of sixteen or the violation is reported to a law enforcement agency.

**CHAPTER 610****OFFICE FOR CHILDREN LICENSING SANCTIONS**

Allows the Office to impose fines or sanctions on facilities not in compliance with OFC regulations. Currently, the Office for Children has as its only option closing down a facility.

**CHAPTER 773****PREVENTING LEAD POISONING**

This law represents the first major overhaul to the State's 1971 landmark lead poisoning statute. Major provisions include tax credits to property owners who delead, universal screening of all children in the Commonwealth, licensing and training of deleaders and inspectors, new standards for soil and drinking water, required disclosure of lead poisoning information to prospective property owners and the establishment of "emergency lead poisoning areas" for targeted and intensive inspections and deleading.

**CITIES/TOWNS****CHAPTER 32****MAPPING COMMISSION**

Authorized the creation of local mapping commissions for the purpose of developing comprehensive municipal maps. Sets forth the powers, duties, responsibilities and composition of the Commission.

**CHAPTER 122****THE SUBDIVISION CONTROL LAW**

This law increases the time that a planning board has to determine whether a plan requires approval under the subdivision control law from 14 days to 21 days.

## CHAPTER 191

### EXEMPTING FAMILY DAY CARE HOMES FROM CERTAIN LOCAL ZONING ORDINANCES AND BY-LAWS

A family day care home shall be an allowable use unless a municipality specifically prohibits or regulates the use in its zoning ordinances or by-laws.

## CHAPTER 229

### PROPOSITION 2½

Allows municipalities a majority override of Proposition 2½. Previously, a 2/3 vote was required for an override of Proposition 2½. Emergency preamble adopted.

## CHAPTER 329

### CITY COUNCILS, BUDGET RECOMMENDATIONS

This local option law amends section 32 of Chapter 44 relative to municipal finance. Prior to Chapter 329, a city council had the authority to reduce or approve amounts recommended by the mayor for various municipal departments. The city council, however, could not increase any department amount above what was recommended by the mayor.

Under Chapter 329, in each city which adopts this legislation the city council upon 2/3 vote can increase the appropriation for the school budget above what was recommended by the mayor. Any increase voted by the city council, however, can not put the total municipal budget above the tax limitation established by Proposition 2½.

## CHAPTER 400

### MUNICIPAL GROWTH AND DEVELOPMENT POLICY COMMITTEES

Authorized the establishment of a growth and development policy committee by two or more cities and towns.

## CHAPTER 456

### PROCEEDS FROM THE SALE OF MUNICIPAL REAL ESTATE

The use of proceeds derived from the sale of municipal real estate are generally limited to capital expenditures. This law enables communities to use such proceeds for the retirement of existing debt originally issued for the acquisition of land, construction and reconstruction of municipal buildings.

## CHAPTER 481

### PROTECTING THE PUBLIC WHEN BUILDING DEPARTMENT RECORDS ARE INCOMPLETE, LOST OR STOLEN

If a structure is thought to violate a zoning regulation, an action to remove, alter or relocate the structure may be brought at any time. This law imposes a ten year statute of limitations on the commencement of such actions, measured from the date the alleged violation began. After a ten year period, a building permit could not be questioned for a zoning violation.



**CHAPTER 498****THE FILING PROCEDURES ... NOTIFYING PARTIES OF INTEREST  
REGARDING ... SPECIAL PERMITS AND VARIANCES**

This law clarifies the appeal procedure for constructively granted special permits and variances and places the responsibility on the applicant to notify parties of interest. It also increases the time period governing decisions concerning appeals and variances from 75 to 100 days.

**CHAPTER 550****DISPOSITION OF UNCLAIMED MONIES**

Technically unclaimed checks issued by municipalities have been considered abandoned property and were subject to the state's abandoned property procedure, C.200A M.G.L. This law enables cities and towns to process unclaimed checks issued by the community at the local level. Such process parallels the state's abandoned property procedure.

**CHAPTER 554****COMMUNITY DEVELOPMENT ACTION PROGRAM**

Provides \$30,000,000. for the C.D.A.P. This is a grant-an-aid program administered by the Executive Office of Communities and Development. Funds are awarded to local communities for infrastructure and planning in conjunction with affordable housing projects.

**CHAPTER 585****RELATIVE TO THE ISSUANCE OF REFUNDING BONDS AND NOTES ...**

This law gives local treasurers greater flexibility in structuring the repayment schedule of a refunding bond issue. This flexibility is necessary to realize interest savings on existing debt prior to its call date when refunding such issue.

**CHAPTER 589****DISPUTE RESOLUTION**

Creates a good-faith bargaining mechanism for resolving extended collective bargaining disputes involving municipal police and fire negotiations.

It empowers the Joint Labor-Management Committee to make a final determination when collective bargaining procedures become exhausted and are unable to move beyond impasse, binding on the union and municipal employer, yet subject to approval or rejection by the local legislative body.

It also includes a three year Sunset Clause, which monitors the effectiveness of the Act.

## CHAPTER 609

### INCREASING THE FINE IMPOSED FOR VIOLATING ... ORDINANCES, BY-LAWS, OR RULES AND REGULATIONS

Increased the maximum fine for violations subject to the non-criminal disposition proceedings. In addition various local fines for certain violations would be retained by the municipality.

## CHAPTER 685

### CLARIFYING THE ZONING LAW

This law makes technical corrections to several sections of Chapter 40A for clarification. It also allows a party to waive a notice requirement concerning a zoning change and requires notice to non-resident owners concerning changes in density requirements.

## H-4820 ORDER

### RENT CONTROL STUDY

The House Order adopted in both branches, created a special committee to make an investigation relative to rent control for mobile home parks and other alternatives to the problems of the scarcity of parks in the Commonwealth.

An appropriation of \$50,000 has been allocated in the 1988 budget.

## CONSUMER PROTECTION

## CHAPTER 289

### USED CAR LEMON LAW

This law provides for a specific written warranty for used cars which cost more than \$700.00 and have less than 125,000 miles. The consumer would be liable for the first \$100.00 of repairs and the dealer would have three attempts to correct a problem or a total of less than eleven business days. If a dealer fails to repair a car within the allotted time, the dealer would have to buy back the car.

## CHAPTER 271

### REGULATING ADVERTISING BY DENTISTS

Prohibits advertising that:

- contains a statement of opinion as to the quality of dental services;
- appeals to an individual's anxiety in an excessive or unfair way;
- contains statistical data not susceptible to reasonable verification.



**CHAPTER 347****REGULATING PRESCRIPTIONS**

Allows out of state prescriptions to be filled by Massachusetts Pharmacists for Schedule III through VI controlled substances meeting certain prescription writing conditions.

**CHAPTER 349****REGULATING RETAIL FOOD STORE PHARMACY DEPARTMENTS**

Allows pharmacy departments in retail food stores to be registered with the pharmacy board of registration.

**CHAPTER 470****REGULATING THE SALE OF MOTOR VEHICLES**

This so-called "Lemon-Aid" law extends the time from 10 to 14 days in which a consumer can return a car that fails to pass inspection and for which the repair costs exceed 10% of the purchase price.

**CHAPTER 510****PROVIDING FOR CIVIL PENALTIES FOR ... DELIVERING FRAUDULENT CHECKS ...**

Establishes civil remedies for any person who is the payee of a check, draft or order which is dishonored by the bank upon which it is drawn or other depository involved because of insufficient funds or because the maker does not have an account at such bank or other depository. It provides that the maker of any such check, draft or order shall be liable to the payee for the face value thereof and additional damages of not less than \$100 nor more than \$500, provided that the payee has complied with the notice requirements of the statute.

**CHAPTER 542****ACCESS TO HEALTH CARE SERVICES**

Regulates computerized listing services which compile and sell the names of persons who have filed either medical malpractice suits or a formal complaint against a physician.

Listed persons must be notified and permitted to review their listing for accuracy. In addition, they cannot be discriminated against by subscribers or providers.

**CHAPTER 594****RELATIVE TO THE PURITY OF BOTTLED WATER**

Establishes standards of quality for bottled water sold or distributed in the Commonwealth. Bottlers or manufacturers of all types of water will be required to obtain a permit from the local board of health where the plant is located. The authority of DPH to issue rules and regulations with respect to quality is also clarified.

**ESTABLISHING ADDITIONAL DISCLOSURE REQUIREMENTS IN  
CERTAIN CONSUMER CREDIT TRANSACTIONS**

Imposes certain disclosure requirements with respect to credit cards issued under open-end credit plans as follows:

- (1) It permits a credit card issuer, wherever located, to charge a reasonable annual fee provided that the cardholder is notified of the amount thereof and the date it is due at least 30 days before his account is charged for the same;
- (2) It provides for the cancellation of a credit card agreement without penalty within the said 30 day period and, if the said agreement is cancelled at any other time during the year, the cardholder is entitled to a pro-rated refund of 2/3 of the annual fee;
- (3) It requires all advertisements of a credit card issuer soliciting the acquisition of a credit card which distributed in Massachusetts, all solicitations of any such issuer which are mailed or otherwise distributed to a resident of Massachusetts, and all application forms or pre-approved solicitations for open-end credit plans of a credit card issuer, whether or not, in each instance, the issuer is domiciled within or without Massachusetts, to prominently disclose, in the manner provided, the following:
  - (a) the current annual percentage rate (APR) for finance charges and, if such rate may vary, the attendant circumstances thereon and the effects on the cardholder;
  - (b) the conditions under which a finance charge may be imposed including any "free period";
  - (c) the amount of the annual fee, if any; and
  - (d) any other charges or fees which may be assessed, the amount thereof, and the reasons therefor.

**PROVIDING FOR THE LICENSING OF FIRE SPRINKLER SYSTEM  
CONTRACTORS AND SPRINKLER FITTERS**

Provides for the licensing of sprinkler fitters. An experienced sprinkler fitter and experienced sprinkler contractor are being added to the Bureau of Pipefitters and Refrigeration Technicians. License applicants have a one year grace period to take the exam without performing the apprenticeship prior to testing. Contractors with four years, and fitters with three years experience will be exempted from the test if they apply within one year of the effective date. Contractors may employ only one apprentice for each fitter.



**CHAPTER 618****REQUIRING THE TESTING OF WATER**

Requires D.E.Q.E. to establish test criteria for various chemicals found in water supplies. Testing should be completed by 6/1/89

**CRIMINAL JUSTICE/JUDICIARY****CHAPTER 44****AUTOMOBILE ARSON REPORTING**

Under this law the owner of a burned motor vehicle is required to submit a signed statement to the proper authority. The insurer is not allowed to make payment until such a statement has been filed, reviewed and it has been determined that there was no fraud evident.

**CHAPTER 93****REQUIRING DOMESTIC VIOLENCE BE RECORDED ON POLICE INCIDENT REPORTS**

Requires law enforcement agencies to have appropriate forms to record incidents of domestic violence or abuse.

**CHAPTER 116****FACILITATING FULL REVIEW OF SEXUALLY DANGEROUS PERSONS PERSONS SEEKING TO BE DISCHARGED FROM A FACILITY**

Provides that before making their recommendation the appointed "examiners" must conduct a personal interview with an individual who is the subject of a discharge hearing.

**CHAPTER 150****CONCERNING WEAPONS CARRIED ON HIGH SCHOOL GROUNDS**

Expands the current law to include "secondary schools" within the scope of law.

**CHAPTER 211****REGULATING THE DISTRIBUTION AND SALE OF DRUG PARAPHERNALIA**

Requires any store selling tobacco and rolling papers to post a warning that such papers shall not be used in conjunction with any controlled substance. The fine for violating this law ranges from \$50 to \$200.

**CHAPTER 220****INCREASING THE PENALTIES FOR SELLING CONTAMINATED SHELLFISH**

Sets the maximum penalty at \$5,000, and 1 year imprisonment.



**CHAPTER 294****REGULATING CHILD PORNOGRAPHY**

Adds to the current law. The law will now prohibit and penalize those who stage pornographic plays, dances or exhibits involving children.

**CHAPTER 319****ESTABLISHING A UNIFORM STATUTORY WILL**

This law contemplates that a testator will adopt the statutory will through incorporation by reference in a "simple " will. The law will assist attorneys in keeping up with tax law changes which changes should be incorporated in everyday wills by practitioners.

**CHAPTER 345****EXTENDING THE LIMITATION OF TORT LIABILITY TO OFFICERS AND DIRECTORS OF CHARITABLE ORGANIZATIONS**

This law provides that no person who serves, without compensation, as an officer, director, or trustee of a non-profit charitable organization, shall be liable for civil damages for any acts or omissions committed in the performance of his official duties; provided, however, that the immunity conferred in this act shall not apply to acts or omissions committed intentionally or for gross negligence.

**CHAPTER 416****REQUIRING RESTITUTION FOR MALICIOUS DESTRUCTION OF PUBLIC PROPERTY**

Provides that in addition to any imprisonment or fine imposed the defendant shall be required to pay restitution.

**CHAPTER 556****IMMEDIATE EXECUTION OF SENTENCES**

This law clears up an ambiguity in the law relative to forthwith prison sentences. Some courts have held that a forthwith state prison sentence imposed shall eliminate a reformatory sentence being served by an inmate. Other courts have claimed the opposite, that a reformatory sentence survives a forthwith state prison sentence. This law states that an inmate who has completed a forthwith state prison sentence shall be discharged at the expiration of said sentence.

**CHAPTER 5  
(RESOLVES)****CONTINUES THE SPECIAL COMMISSION TO STUDY THE PREVENTORY OF SUICIDES IN MUNICIPAL DETENTION AREAS****DOMESTIC ANIMALS****CHAPTER 118****LICENSING OF DOGS**

Requires dogs to be licensed at age 6 months instead of 3 months.

**CHAPTER 124****LARCENY OF CERTAIN ANIMALS**

Changes the definition in the current law so that dogs, beasts or birds, ordinarily kept in confinement, are now included in the definition of property as it applies to larceny.

**CHAPTER 331****ANIMAL OVER POPULATION**

Requires that a \$30 deposit be given on any dog or cat bought from a shelter. The deposit will be returned once the dog or cat is proven to be spade or neutered.

**CHAPTER 404****INCREASED PENALTY FOR KEEPING AN UNLICENSED DOG**

Increases the minimum fine from \$5 to \$25 and the maximum from \$15 to \$100.

**CHAPTER 560****PERMITTING M.S.P.C.A. INSPECTIONS**

M.S.P.C.A. is permitted to enter the property to inspect kennels and horse stables which charge a fee.

**EDUCATION****CHAPTER 164****PROVIDING FOR STUDENTS TO BECOME MEMBERS OF SCHOOL COMMITTEES**

Makes the Chairperson of the Student Advisory Committee an ex-officio member of a school committee.

**CHAPTER 285****REGULATING DISCIPLINARY PROGRAMS AND CODES OF CONDUCT IN PUBLIC SCHOOLS**

Each school committee's rules and regulations ... shall include: procedures assuring due process for students in disciplinary proceedings, standards and procedures for expulsion, procedures that comply with state-federal law pertaining to discipline of students with special needs.

**CHAPTER 641****PROHIBITING SMOKING IN PUBLIC SCHOOLS**

This law makes it unlawful for all students to use tobacco products of any type on public school grounds during normal school hours. Each school committee is required to establish a policy to deal with students who violate this law. One example given in the law is mandatory education classes on the hazards of tobacco use.

This law does not take effect until 9/1/89.



**CHAPTER 665****HAZING**

This law clarifies provisions affecting the overall implementation of the anti-hazing law (concerned with public and private higher education and secondary education institutions). It also increases the maximum hazing fine from \$1000 to \$3000 and the maximum imprisonment penalty from 100 days to one year; and it increases the maximum penalty for failure to report hazing from \$500 to \$1000.

**CHAPTER 667****EDUCATION LOAN DEFAULTERS**

This law improves the process of locating education loan defaulters by providing that the Department of Revenue share information, such as names and addresses, with the Board of Regents (and the Regents with the Massachusetts Higher Education Assistance Corporation which oversees the Federal guaranteed student loan program).

The law also provides for a set-off on tax refunds of loan defaulters, the set-off to go toward paying off the loan.

**ELDERLY****CHAPTER 139****ANNUAL OBSERVATION OF SILVER-HAIRED LEGISLATURE DAYS**

Requires the Governor to annually issue a proclamation setting apart the third Wednesday, Thursday and Friday in November, as Silver-Haired Legislature Days.

**CHAPTER 194****SPECIAL HOMESTEAD PROTECTION FOR ELDERLY AND DISABLED PERSONS**

Adds to the current Homesteading Law by providing that the real and personal property of certain individuals over age 65 shall be protected against seizure by execution of a judgement of up to \$100,000.

**CHAPTER 199  
(OUTSIDE SECTION 103)****CONTINUING AND EXPANDING THE SPECIAL COMMISSION TO INVESTIGATE THE AVAILABILITY OF WORKERS IN LONG TERM CARE FOR THE ELDERLY****CHAPTER 566****REPORTING ELDERLY ABUSE**

Amends the Elder Abuse statute (Ch. 19A Sec 14-26). Adds firefighters and EMTs to the list of mandated reporters; corrects language which unintentionally shielded from prosecution mandated reporters who had perpetrated the abuse they were reporting; amends confidentiality statutes to allow social workers and psychotherapists to disclose information necessary to conduct an investigation of abuse.



**CHAPTER 655****DISCHARGE PLANNING**

Requires hospitals to provide medicare patients with a written aftercare plan at least 24 hours prior to discharge from a hospital. Hospitals are responsible for initiating the provisions for such a plan. The Medicare Advocacy Office of DPH is responsible for setting up a review and mediation process when a plan cannot be agreed upon which is acceptable to all parties.

**CHAPTER 716****INCREASING THE PERSONAL CARE ALLOWANCE**

Mandates an automatic annual percentage increase in the Personal Needs Allowance equal to the percentage increase in the federal SSI payment. The PNA, currently \$65 per month, is paid to state-assisted residents of nursing homes and other medical long term care facilities to finance the purchase of clothing, private telephone service, and other discretionary goods and services which have personal or recreational value.

**ELECTIONS****CHAPTER 146****OFFICIAL PRACTICES CONTRARY TO ELECTION LAWS**

Authorized the secretary of state to order city/town clerks or registrars of voters to comply with the law when a pattern of conduct runs contrary to election laws or any other general or special laws relating to the administration of elections. Therefore, providing meaningful enforcement of election laws in a uniform manner throughout the commonwealth. Previously, jurisdiction over such matters rested solely with the Attorney General's office

**CHAPTER 519****LIMITING CONTRIBUTIONS OF POLITICAL COMMITTEES**

Equalized the influence of special interest groups. Sets a \$1000 aggregate ceiling on contributions from multi-candidate committees and ward and town committees and imposes a \$3000 aggregate limit, per calendar year, on state committees.

## ENERGY

### CHAPTER 670

#### **CAPITAL OUTLAY FOR ENERGY CONSERVATION IN PUBLIC BUILDINGS**

Authorized the issuance of a \$15 million, 20 year term general obligation bond to fund the Energy Audit, Energy Conservation Improvement and Alternative Energy Property Programs. The programs provide grants to cities, town, counties, school districts and other public entities to fund engineering studies and implementation of conservation measures.

### CHAPTER 677

#### **EXTENDING THE TIME FOR CERTAIN RESIDENTIAL TAX CREDITS FOR RENEWABLE ENERGY SOURCE PROPERTY**

This law will enable Massachusetts residents who install solar or wind powered energy systems on their homes to receive a state income tax credit up to a maximum of \$1,000. The law extends the current tax incentive, which is used primarily for the purchase and installation of solar heated hot water systems, at the current level of 35 percent of the net cost of the system until December 31, 1988. At that time, the credit will be reduced to 25 percent for the following two years and then to 15 percent. This law has been a major incentive for the purchase of nearly 30,000 residential solar hot water systems which translates into savings of over \$7 million per year that are not spent on foreign oil.

## ENVIRONMENT

### CHAPTER 174

#### **REVISING THE PENALTIES FOR VIOLATING CERTAIN ENVIRONMENTAL LAWS**

Increases the civil penalties for discharging pollutants into water.

The maximum fine has been increased from \$10,000 to \$25,000.

### CHAPTER 642

#### **HAZARDOUS WASTE INSOLVENCY FUND**

Extends the Massachusetts Hazardous Waste Insolvency Fund for two years. The fund was originally created by Chapter 10 of the Acts of 1986 to fill the need for otherwise unavailable pollution liability insurance. The fund would only be activated when a licensed company which lost a claim was not able to satisfy a claim for injury arising out of the escape of pollutants from a permitted site.

## HANDICAPPED ACCESS

### CHAPTER 183

#### INCREASED PENALTIES FOR VIOLATING HANDICAPPED PARKING LAWS

Said penalty shall not be less than \$25 or in excess of \$100.

### CHAPTER 194

#### SPECIAL HOMESTEAD PROTECTION FOR ELDERLY AND DISABLED PERSONS

Adds to the current Homesteading Law by providing that the real and personal property of certain disabled persons shall be protected against seizure by execution of a judgment up to \$100,000.

### CHAPTER 420

#### REMOVAL OF ARCHITECTURAL BARRIERS

At local option, municipalities may use revenue from parking violation fines and meter collections for the removal of architectural barriers in public buildings.

### CHAPTER 682

#### REQUIRING THE STATE HOUSE TO BE HANDICAPPED ACCESSIBLE

Establishes a study to report back to the General Court on the best methods to make the State House and all offices and hearing rooms accessible to the handicapped.

## INSURANCE

### CHAPTER 363

#### PREVENTIVE SCREENING TESTS

Establishes a mandated benefit stating that all providers of medical insurance must provide payment for preventive screening tests for the following:

- (1) PAP Smear test annually for women 18 years of age and older;
- (2) Baseline mammogram for women between ages of 35 and 40 and then annually for women 40 years of age and older.



## **CHAPTER 370**

### **RELATIVE TO AUTO REPAIR SHOPS**

Chapter 189 of 1987 provides that repair shops must certify on a completed work form that they have met certain requirements (such as sales tax ID# and owned by or employs someone licensed to appraise motor vehicle damage).. Chapter 370 changes the effective date of this law from September 30, 1987 to July 1, 1988.

## **CHAPTER 394**

### **INSURED PREGNANCY PROCEDURES**

This law mandates that all health insurers cover pregnancy related procedures used to treat infertility including in vitro fertilization and artificial insemination. Infertility is described as a condition where a presumably healthy person cannot conceive or produce conception within one year.

## **CHAPTER 650**

### **POLLUTION REINSURANCE FUND**

Establishes a corporation whose purpose is to establish and maintain a "Pollution Liability Reinsurance Fund" for the purpose of assuming or ceding reinsurance of pollution liability insurance policies. A supplemental Special Account shall be used to discharge the corporations liability under reinsurance contracts in the event ordinary premiums and investment income does not cover losses and expenses. In the event of insufficient funds to make payment, the corporation may apply to the Commonwealth for a loan not exceeding fifteen million in the aggregate nor shall any loan exceed a twelve year term. Radioactive and nuclear waste are excluded from coverage under this chapter.

## **CHAPTER 683**

### **MANDATED BENEFITS - COLITIS**

Provides a mandated benefit for the treatment of Ulcerative Colitis. In particular, this law provides coverage for nonprescription external formulas for home use, for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Chron's disease or Ulcerative Colitis.

## MENTAL HEALTH/MENTAL RETARDATION

### CHAPTER 286

#### PROVIDING FOR TIMELY PAYMENTS FOR HUMAN SERVICE PROGRAMS

Establishes a timely-payments system for human service providers contracting with the Commonwealth. Provides for a semi-monthly payment schedule, but no penalties for late payment.

### CHAPTER 521

#### CREATING A BOARD OF ALLIED MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS

Establishes a board of registration for mental health counselors, rehabilitation counselors and marriage and family therapists. The nine member Board will create a procedure and criteria for the licensure of the three professions.

### CHAPTER 522

#### FURTHER DEFINING MENTAL ILLNESS

Updates the terminology in the General Laws relating to mental illness, substituting phrases like "mentally ill" for "insane".

### CHAPTER 633

#### PROVIDING STATE FUNDED TRANSPORTATION TO SPECIAL NEEDS ADULTS EMPLOYED IN PRIVATE WORK SETTINGS

Provides state subsidy of transportation to and from work for special needs adults who do not have access to public transportation.

### CHAPTER 651

#### ADJUSTING SHELTER COST TO HOUSEHOLD SIZE

Allows General Relief recipients to share housing with other people without losing any benefits.

### CHAPTER 734

#### REGULATING THE LICENSING OF PSYCHOLOGISTS

Makes certain changes to the Board of Registration of Psychologists: creates a sub-category of "Health Service Provider: and narrows the educational criteria to a Ph.D in Psychology, eliminating Ph.D's in "closely related fields".

## MISCELLANEOUS

### CHAPTER 1

#### HOMELESS AWARENESS WEEK

The Governor shall annually issue a proclamation setting apart the last week in February as Homeless Awareness Week.

### CHAPTER 159

#### VIDEOTAPING AT PUBLIC MEETINGS

Amends the state Open Meeting Law to allow for the videotaping (from a fixed location) of open meetings (not executive sessions) of governmental bodies.

### CHAPTER 415

#### ERADICATING AGE DISCRIMINATION IN PUBLIC EMPLOYMENT

This law is the last major step in eliminating mandatory retirement for public employees on the basis of age. It permits public employees to continue working beyond age 65 who are deemed mentally and physically fit. Exempted by the law are those occupations where age has been determined to be strongly related to the essential functions of the job.

### CHAPTER 473

#### PROHIBITING SEXUAL HARASSMENT

Amends the sexual harassment act of 1986 by adding the word "verbal" to the definition of sexual harassment. The previous definition included sexual advances, request for sexual favors, and physical contact of a sexual nature.

### CHAPTER 484

#### PROCEDURES FOR ADOPTING HOME RULE CHARTERS BY COUNTIES

This law changes procedures for adopting Home Rule Charters by counties. It places the charter change on a state election ballot and indicates the position on the ballot after statewide questions.

### CHAPTER 513

#### DESIGNATING THE CAPTAIN T. DUSTIN (DUSTY) ALWARD FIREFIGHTING ACADEMY

Designates the Massachusetts Firefighting Academy in Stow as the T. Dustin (Dusty) Alward Firefighting Academy in honor of his work and service on behalf of all firefighters in the Commonwealth.

### CHAPTER 520

#### PAROLE BOARD SUBJECT TO ADMINISTRATIVE PROCEDURES LAW

Requires the parole board to hold public hearings before adopting regulations. Allows the public to petition for the adoption, amendment or repeal of any regulation.



## CHAPTER 759

### REGULATING SMOKING IN CERTAIN PUBLIC AND PRIVATE BUILDINGS

This law further limits the areas where smoking will be permitted. Its main features include the following:

- (1) Requires restaurants with a seating capacity of 75 or more to provide non-smoking area of at least two hundred square feet of open floor space
- (2) Prohibits smoking in all retail food stores, open meetings of governmental bodies (except the Legislature) courtrooms, mass transit conveyances including indoor and outdoor platforms, and patient care areas of nursing homes
- (3) restricts smoking to only designated areas in health care facilities, Courthouses, schools, colleges, universities, group child care centers, school-aged day care centers, family day care centers and public buildings
- (4) requires public colleges and universities to make non-smoking dormitory rooms available to students who choose them.

## CHAPTER 772

### STATE TRACK FACILITY

Provides for a \$35 M state track facility and will provide space for school tracks and meets. It will be a shared facility, groups included are the School People's Track Association, the general public and Northeastern University.

## PUBLIC SAFETY

## CHAPTER 38

### REGULATING THE OPERATION OF MOTOR VEHICLES ON APPROACH OF AN EMERGENCY VEHICLE

Adds to the current law, "police vehicles, ambulances or disaster vehicles". The Law will now require motor vehicle operators to pull over to the right lane and remain stopped when approached by said vehicles.

**CHAPTER 39****PROVIDING FOR AN AUDIBLE WARNING SIGNAL ON GASOLINE TRUCKS**

Effective January 1, 1991 - this Law will require that an audible signal be installed in every vehicle over 12,000 pounds and used to deliver gasoline or other flammable material.

Said device shall be activated when the vehicle is backing up.

**CHAPTER 68****REGULATING THE USE OF PASSENGER RESTRAINTS ON CHILDREN**

Requires that children over five, but not over twelve, must wear safety belts.

**CHAPTER 83****INCREASING THE PENALTY FOR UNLICENSED OPERATION OF A MOTOR VEHICLE**

Authorized police officers to arrest, without a warrant, unlicensed operators of motor vehicles. Set the minimum fine for not being properly licensed at \$100.

**CHAPTER 90****INCREASED PENALTIES FOR NOT OBEYING TRAFFIC CONTROL DEVICES**

Increases the penalty for disobeying traffic control signs and devices. The maximum fine shall not exceed \$50.

**CHAPTER 390****UNAUTHORIZED TRAVEL IN BREAKDOWN LANE**

Increases the penalty for unauthorized travel in the breakdown lane. The new fine will be \$100.

**TAXATION****CHAPTER 402****THE PAYMENT OF PROPERTY TAXES**

Allows municipalities to require a single payment for property tax bills when the amount is less than \$50.

**CHAPTER 463****AUTHORIZING PRELIMINARY TAX PAYMENTS IN CITIES AND TOWNS**

Allows a municipality to send out estimated tax bills. The estimated bill can not exceed 50% of the tax payable during the preceding fiscal year. Prior to this act, authorization was done on a year to year basis.

**CHAPTER 469****ASSESSMENT OF LOCAL TAXES**

Currently by local option, cities and towns may provide qualified assessors with additional compensation for being certified by the International Association of Assessing Officers or the Association of Massachusetts Assessors for having completed necessary courses of study and training. Compensation is limited to 10% of salary.

**CHAPTER 490****AN ACT IMPROVING THE COLLECTION OF CHILD SUPPORT IN THE COMMONWEALTH**

As of July 1, 1987 the Department of Revenue (chapter 310 of acts of 1986) was charged with the responsibility of enforcing, administering and collecting payments under child support orders. Chapter 490 contains a series of tax related amendments further strengthening the Department of Revenue in this capacity.

This law authorizes the Department of Revenue to place liens, levy and seize the property of absent parents who are delinquent in their child support obligations. The law also entitles the agency to link child support data with tax data and includes guidelines on how to resolve situations where it is not clear if a payment should be used to offset a tax liability or a child support liability.

**CHAPTER 499****REGULATING REAL ESTATE TAX EXEMPTIONS OF ORGANIZATION OF VETERANS OF WAR**

This law by local option, increases the exemption from \$400,000 to \$700,000 for real and personal property owned by veterans organizations.

**VETERANS****CHAPTER 66****STATE BUILDINGS FLY POW-MIA FLAGS**

Requires the POW-MIA Flag to fly on the grounds of the State House and all state office buildings

**CHAPTER 235****VETERANS' AGENT'S MONTHLY REPORT**

Increase from 10 days to 30 days the time within which a veterans' agent must report benefit expenditures to the Commissioner of Veterans Services for reimbursement.



## **CHAPTER 299**

### **POW-MIA DECALS ON STATE VEHICLES**

Authorized and directs the Secretary of Administration and Finance to provide for the affixation of POW-MIA decals on the lower corner of the right-rear windows of all passenger motor vehicles owned by the Commonwealth.

## **CHAPTER 628**

### **STATE REIMBURSES 75% OF COST OF VETERANS' BENEFITS**

Increase from 50% to 75% the State reimbursement for certain city or town expenditures on veterans' benefits. This has been state budget practice since FY'85.

## **CHAPTER 645**

### **PLAQUE COMMEMORATING MARINES KILLED IN BEIRUT**

The plaque will be placed in Nurses Hall in honor and memory of those Massachusetts men killed in the terrorist attack on October 23, 1983.





















